

REMARKS

In the application claims 1, 4, 5, 10, 11, 13-21, 42, and 43 remain pending. Claims 2, 3, 6-9, 12, and 22-41 have been canceled without prejudice. The pending claims have been amended to better clarify what is regarded as the invention. Support for the amendments and the claims as added is found in the specification, figures, and claims as originally filed. No new matter has been added.

The pending claims presently stand rejected under 35 U.S.C. § 101. In response, it is respectfully submitted that the presented claims now positively recite a physical device, namely, a self-service drop-off container, such as a vending machine or a locker, and, as such, the claims presented now meet the requirements set forth in 35 U.S.C. § 101. It is, therefore, respectfully submitted that this rejection of the claims must be withdrawn.

The pending claims further stand rejected under 35 U.S.C. § 102 as being anticipated by DeMaggino (U.S. Patent No. 7,292,989) or under 35 U.S.C. § 103 as being rendered obvious by DeMaggio in view of "Official Notice."

The reconsideration of these rejections is respectfully requested.

As noted in the Office Action, DeMaggio discloses a system that functions merely to update the actual location of an item as it moves through a logistics network. In this regard, as an item is received at various points within the logistics network, such as a cross dock, a dynamic shipping label associated with the item is scanned, information is gathered, and the information is returned to a logistics station. The logistics station then uses the information provided to adjust the scheduling of the item for delivery to the ultimate recipient. (See, e.g., Col. 5, line 46-Col. 6, line 28).

DeMaggio does not, however, disclose, teach, or suggest an inventory control system that is associated with one or more self-service drop off containers, such as vending machines or lockers, where the inventory control system determines if each good within an order for

goods is deposited into the one or more self-service drop-off containers as compared against a list of goods set forth in a committed manifest that is provided to the inventory control system by a manifesting system and, when it is determined from this comparison that unexpected goods are included in the order for goods or expected goods are missing from the order for goods, further automatically generates and sends a communication alert to a security monitoring system.

Thus, because DeMaggio fails to disclose, teach, or suggest at least these claimed elements, it is respectfully submitted that the rejection of the claims under 35 U.S.C. §§ 102 and 103 based upon DeMaggio must be withdrawn.

It is additionally respectfully submitted noted that issuing a notification that an item is late in arriving to a location within the logistics network as disclosed within DeMaggio is not the same as the claimed aspect wherein an inventory control system compares *a received order for goods* against a listing of goods set forth within a received, committed manifest to determine if too few expected or unexpected goods are included within the *received order for goods*. In this regard, it will be appreciated that the “late pallet” relied upon in rejecting previously presented claims 9 and 29 is, by definition, not received.

Applicant further respectfully traverses at least the assertion that it is old and well known in the logistics art for an inventory control system to cause a manifesting system to initiate a return process. Accordingly, Applicant requests that a reference be entered into the record that can be set to support this assertion of “Official Notice.” (See MPEP § 2144.03).

Respectfully Submitted;



By: Gary R. Jarosik, Reg. No. 35,906
Greenberg Traurig, LLP
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
(312) 456-8449

Date: November 5, 2010

CHI 80,464,928v7